



CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being submitted by First Class mail to the US Patent and Trademark Office: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 or transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. (703)872-9306.

Date:

4/22/05

By:

Patti Hespell

*Patti Hespell*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re: Patent Application of Charles A. Eldering**

Conf. No.: 7576 : Group Art Unit: 2611  
Appln. No.: 10/068,771 : Examiner: Son P. Huynh  
Filing Date: 05 February 2002 : Att'y. Docket No.: T742-10  
Title: Targeted advertising in on-demand programming

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTIFICATION OF CHANGE OF SMALL ENTITY STATUS and  
CORRECTION OF FEES PAID UNDER 37 C.F.R. 1.28**

The above-identified patent application ("the Application") was properly filed and prosecuted as a small entity under 37 C.F.R. 1.27. The Application was initially entitled to small entity status since the assignee, Expanse Networks, Inc., was a small business concern under 37 C.F.R. 1.27(a)(2). In August 18, 2004, all rights in the Application were assigned to Prime Research Alliance E., Inc. Applicants erroneously believed that Prime Research Alliance E., Inc., was also a small business concern as defined by 37 C.F.R. 1.27(a)(2), and therefore believed that the Application was still entitled to small entity status. Applicants have recently learned that Prime Research Alliance E., Inc. may not satisfy all the criteria for a small business concern. Accordingly, the Application may no longer qualify for small entity status.

Applicants have diligently gathered data related to the fees paid as a small entity from August 18, 2004 to present. In accordance with 37 C.F.R. 1.28(c)(2), the following table summarizes for each applicable filing the fees paid as a small entity, the current

04/27/2005 SLUANG1 00000004 501535 10068771

01 FC:1401 500.00 DA  
02 FC:1252 450.00 DA



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large entity, the current amount owed as a result of the error in small entity payment and the total amount owed for all filing.

Item	Date	Small Entity Fee Paid	Current Large Entity Fee	Amount to be Paid
Petition for Extension of Time	10/04/04	\$215.00	\$450.00	\$235.00
Notice of Appeal	10/04/04	\$170.00	\$500.00	\$330.00
<b>Total</b>				<b>\$565.00</b>

In accordance with 37 C.F.R. 1.28(d), Applicants respectfully request that the above-identified application be changed to large entity status.

☒ The Commissioner is hereby authorized to charge Deposit Account No. **501535** as noted below. A duplicate copy is enclosed.

☒ Small Entity Correction Fees under 37 C.F.R. §1.28 in the amount of \$565.00.

☒ Any deficiencies or overpayments in the above-calculated fee.

Respectfully submitted,

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Date: April 22, 2005